

United States Environmental Protection Agency POSITION DESCRIPTION COVERSHEET		1. DUTY LOCATION Washington, DC		2. POSITION NUMBER 00054382	
3. CLASSIFICATION ACTION: a. Reference of Series and Date of Standards Used to Clarify This Position					
Official Allocation	b. Title <i>Attorney Adviser</i>	c. Service <i>GS</i>	d. Series <i>0905</i>	e. Grade <i>15</i>	f. CLC
4. SUPERVISOR'S RECOMMENDATION	Attorney Adviser/Practice Group Leader	GS	905	15	
5. ORGANIZATIONAL TITLE OF POSITION (if any) Assistant General Counsel		6. NAME OF EMPLOYEE Kevin Miller			
7. ORGANIZATION (give complete organizational breakdown)					
a. U. S. ENVIRONMENTAL PROTECTION AGENCY		e.			
b. Office of General Counsel		f.			
c. General Law Office		g.			
d.		h. EPAYS Organization Code 23770000			
8. SUPERVISORY/MANAGERIAL DESIGNATION					
<p><input type="checkbox"/> [S] First or Second level supervisor: An individual who performs supervisory work and managerial responsibilities that require accomplishment of work through combined technical and administrative direction of others and meets the requirements for coverage as described in the General Schedule Supervisory Guide.</p> <p><input type="checkbox"/> [A] An individual (as defined in Section 7103(a)(10) of Title V of the U.S. Code) who is authorized to hire, direct, assign, promote, reward, transfer, lay off, suspend, discipline, or remove one or more employees, or effectively recommend such action. The exercise of this responsibility is not routine or clerical in nature, but requires the consistent exercise of independent judgment.</p> <p><input type="checkbox"/> [M] A manager who directs the work of an organization; is accountable for the success of line or staff programs; monitors, evaluates, and adjusts program activities; and performs the full range of duties outlined in the General Schedule Supervisory Guide. May also include deputies who fully share responsibility for managing the organization or who serve as an alter ego to the manager.</p> <p><input type="checkbox"/> [B] A management official (as defined in Section 7103(a)(11) of Title V of the U.S. Code) who formulates, determines or influences an organization's policies. This means creating, establishing, or prescribing general principles, plans, or courses of action for an organization; or bringing about a course of action for the organization. Management officials must actively participate in shaping the organization's policies not just interpret laws and regulations, give resource information or recommendations or serve as experts or highly trained professionals who implement or interpret the organization's policies and plans.</p> <p><input checked="" type="checkbox"/> [T] "Team Leader" This position meets the requirements for coverage under Part II of the Work Leader Grade Evaluation Guide.</p> <p><input type="checkbox"/> [N] None of the above applies. This is a non-supervisory/non-managerial position.</p>					
9. SUPERVISORY CERTIFICATION I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out governmental functions for which I am responsible. The certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such status or their implementing regulations.					
a. Typed Name and Title of Immediate Supervisor Robert A. Friedrich, Deputy Associate General Counsel		d. Typed Name and Title of Second-Level Supervisor Robert A. Friedrich, Acting Associate General Counsel			
b. Signature <i>Robert A. Friedrich</i>	c. Date <i>9/24/07</i>	e. Signature <i>Robert A. Friedrich</i>	f. Date <i>9/24/07</i>		
10. OFFICIAL CLASSIFICATION CERTIFICATION					
a. <input type="checkbox"/> This position has no promotion potential.		<input checked="" type="checkbox"/> If position develops as planned and employee progresses satisfactorily, this position has known promotion potential to grade:		b. Fair Labor Standards Act <input type="checkbox"/> Nonexempt <input checked="" type="checkbox"/> Exempt	
d. Bargaining Unit Code <i>8888</i>	e. Check, if applicable: <input type="checkbox"/> Medical Monitoring Required <input type="checkbox"/> Extramural Resources Management Duties (___ % of time) <input type="checkbox"/> This position is subject to random drug testing (___)		f. Signature <i>Kevin Miller</i>		g. Date <i>9/28/07</i>
11. REMARKS (none)					

ATTORNEY-ADVISER
GS-905-15

I. SUPERVISORY CONTROLS

Works under the administrative supervision of the Associate General Counsel and Deputy Associate General Counsel, General Law Office (GLO), Office of General Counsel (OGC). Incumbent has wide latitude in exercising judgment, initiating action, conducting cases, developing legal positions, and reviewing regulatory matters. No specific guidance is provided when an assignment is made, and the completed work product is expected to be legally sufficient. Incumbent is considered an authority in the assigned work area. Recommendations are accepted as authoritative and tantamount to final Agency decisions.

II. MAJOR DUTIES AND RESPONSIBILITIES

Incumbent is a national expert on a broad array of legal and policy issues relating to information law, including issues arising under the Freedom of Information Act (FOIA), Privacy Act, Federal Records Act, Trade Secrets Act, the Agency's FOIA, Confidential Business Information (CBI), and subpoena regulations, Office of Management and Budget (OMB) Circulars, and various other statutes, Executive Orders, and regulations. In addition, incumbent defends the Agency's interests in litigation arising out of the Agency's action or inaction under these statutes, Executive Orders, and regulations. Incumbent maintains a comprehensive knowledge of all applicable statutes, Executive Orders, and regulations, and court decisions and administrative rulings relating thereto. Incumbent participates in judicial and administrative proceedings that substantially broaden or restrict major EPA activities.

Incumbent serves as the Assistant General Counsel and Practice Group Leader for the Information Law Practice Group. Incumbent identifies and assesses legal issues in the assigned area. Determines the work to be handled by the staff, including the issues that need to be addressed and their relative priority, and assigns work in consultation with staff and the Associate General Counsel or Deputy Associate General Counsel, as appropriate. Reviews and coordinates the work of staff. The amount and depth of review exercised by incumbent is related to the experience and ability of each staff person, with less review for more experienced staff and greater review for less experienced staff. Provides feedback to staff on assigned tasks to ensure the delivery of consistent, coherent, and sound legal advice. Shares information and discusses significant legal issues in the information law practice area with staff, other attorneys in OGC, and attorneys in the Offices of Regional Counsel who handle information law issues. On legal issues significant to the practice group as a whole, after consultation with staff, makes ultimate legal decisions that do not warrant resolution by the Associate General Counsel or Deputy Associate General Counsel.

Serves as the contact person with senior officials of the Department of Justice (DOJ), other departments and agencies, and senior-level EPA management. Coordinates with other practice group leaders on issues relating to their areas. Trains attorneys new to the practice group on matters relating to the assigned area and procedures used by the practice group. Keeps the

Associate General Counsel and Deputy Associate General Counsel abreast of significant legal issues.

Consults with the Associate General Counsel and Deputy Associate General Counsel on issues relating to staff hiring, performance, promotions, and awards.

Incumbent also performs staff work. Reviews exceedingly technical and difficult questions that relate to a multitude of complex statutes, executive orders, and regulations, as well as broad segments of general law, both state and federal. Recommends appropriate legal action or issues authoritative and precedent-setting opinions and advice. Considers evidence, significance of issues involved, the necessity of uniform application of laws, and other factors that affect the problem in question. As required, initiates the filing of papers with courts or administrative forums, prepares cases, and either conducts or participates actively in the conduct of the case in the court or administrative forum.

Furnishes authoritative legal advice to the General Counsel, Assistant Administrators, Regional Administrators, Regional Counsels, and other high-level officials. Advises and consults with these Agency officials on legal questions of the highest importance to the federal government. Resolves difficult problems requiring a high degree of professional judgment and discretion, substantial individual responsibility, and personal initiative.

Incumbent has independent contacts with industry representatives, environmental groups, federal, state, and local officials, DOJ and U.S. Attorney's Office personnel, partners from prestigious law firms, contractor officials, and court personnel.

Incumbent drafts national legislation and prepares reports on changes in basic legislation. Briefs Senators and Representatives or their staffs, and assists the Assistant Administrators, other high-level officials, and their staffs in preparing for hearings and other meetings with Congressional personnel, members of Congress, or their staffs.

Performs legal research and prepares memoranda of fact and law. Analyzes records, transcripts of testimony, and pleadings; evaluates facts; determines questions of law; and recommends a decision or drafts a decision for final consideration by the highest-level Agency officials. Develops policy and procedures for the implementation of new or amended legislation. Independently conducts investigations or negotiations, plans the approach, and develops the final decision, report, brief, or opinion for endorsement by senior-level officials. Represents the Agency at conferences, hearings, and the like.

Performs other duties as assigned.

III. QUALIFICATIONS

Incumbent must have an LL.B. or J.D. degree from an accredited law school; must be admitted to practice before the highest court of a State, the District of Columbia, U.S. territory, or the Commonwealth of Puerto Rico; and must maintain active status as a member of the bar of one of these jurisdictions. Incumbent must have significant experience in providing legal advice and counsel at EPA, other federal, state, or local agencies, or in private practice.